

COMMITTEE ON LAND USE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Phillip Farley, Council Member District No. 1

A **meeting** of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, was held on **Monday June 8, 2009**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 6:03 p.m.

PRESENT: Chairman Phillip Farley, Council District No. 1; Committee Member Timothy J. Callanan, Council District No. 2; Committee Member Robert O. Call, Jr., Council District No. 3; Committee Member Cathy S. Davis, Council District No. 4; Committee Member Dennis L. Fish, Council District No. 5; Committee Member Jack H. Schurlknight, Council District No. 6; Committee Member Caldwell Pinckney, Jr., Council District No. 7; Committee Member Steve C. Davis, Council District No. 8; County Supervisor Daniel W. Davis, ex officio; Mrs. Nicole Scott Ewing, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

During periods of discussion and/or presentations, minutes are typically condensed and paraphrased.

Chairman Farley called the meeting to order. Committee Member Pinckney provided the Invocation and Committee Member Fish led in the Pledge of Allegiance to the Flag of the United States of America.

Supervisor Davis read a Proclamation in honor of the passing of Earnest Henry Eaddy, Sr.:

WHEREAS, Earnest Eaddy, Sr. has been a resident of Moncks Corner in Berkeley County for over 36 years; and

WHEREAS, Earnest Eaddy, Sr., also known as the “Barbeque Man” was an active citizen within Berkeley County by coaching little league in Haynesville, heading the youth department at the Berkeley Church of Christ, working as a heavy machine operator at Santee Cooper for over 25 years, and by being voted as having the “Best Barbeque in Berkeley County” in 2008 at the annual competition held at the fairgrounds; and

WHEREAS, The citizens of Berkeley County and this Council now wish to extend their deepest condolences to the Eaddy Family.

NOW, THEREFORE, BE IT PROCLAIMED by the Berkeley County Council that the citizens of Berkeley County honor the passing of Earnest Henry Eaddy, Sr. and provide heartfelt sympathies to the Eaddy family during their time of loss.

ADOPTED this 8th day of June 2009.

Committee Member Schurlknight presented the Eaddy family with the signed proclamation.

Committee Member Fish recognized Mr. Thomas Reid, a member of the DeMolay Chapter from the Summerville Masonic Lodge. Mr. Reid has an assignment to study county government and give a report to the DeMolay Chapter. Mr. Fish explained earlier this night, how the County is organized and how the Committees work and wished Mr. Reid good luck with his report.

Chairman Farley asked for approval of minutes from the Committee on Land Use Meeting held on May 11, 2009.

It was moved by Committee Member Fish and seconded by Committee Member Pinckney to **approve** the minutes as presented. The motion passed by unanimous voice vote of the Committee.

A. Consideration prior to **First Reading** of the following:

1. Request by Tommy Boals, 1134 Clements Ferry Road, Wando, TMS #263-00-01-013 (31.86 acres) from F-1, Agricultural District to PD-MU, Planned Development Mixed Use District. Council District No. 8.
[Staff recommended approval]
[Planning Commission recommended approval]

It was moved by Committee Member S. Davis and seconded by Committee Member Pinckney to **approve** prior to **First Reading**, the **Request by Tommy Boals**. The motion passed by unanimous voice vote of the Committee.

2. Request by Bob Glover for Maggie Sass, 1055 Old Back River Road, Goose Creek, Portion of TMS #252-03-08-015 (0.77 acres) from R-1, Single Family Residential District to RNC, Rural and Neighborhood Commercial. Council District No. 3.
[Staff recommended approval]
[Planning Commission recommended approval]

Mr. Eric Greenway, Zoning Administrator, explained that a store that has been grandfathered for many years is on the property. Staff and the Planning Commission recommended approval.

It was moved by Committee Member Schurlknight and seconded by Committee Member Fish to **approve** prior to **First Reading**, the **Request by Bob Glover**. The motion passed by unanimous voice vote of the Committee.

3. Request by Larry Windham, located at intersection of Hoover and United Drive, Huger, **TMS #250-00-00-008** (7.0 acres) **from R-2, Manufactured Residential District to Flex-1, Agricultural District**. Council District No. 8.

[Staff recommended approval]

[Planning Commission recommended approval]

Mr. Greenway stated that numerous calls had been received from the community concerning this request. Apparently a pond is being built on the property. Many calls have been received from this area concerning mining or borrow pit operations. For the record, borrow pits are no longer allowed in Flex-1 zoning. Any construction other than a pond is prohibited. There are currently no depth requirements. A borrow pit is allowed in any zoning district if it meets the State definition for a borrow pit and has to be for SCDOT projects only.

It was moved by Committee Member S. Davis and seconded by Committee Member Pinckney to **approve** prior to **First Reading**, the **Request by Larry Windham**. The motion passed by unanimous voice vote of the Committee.

4. Request by Bernard and Patricia Casey, 4812 N. Highway 52, St. Stephen, **TMS #016-00-04-039** (2.09 acres) **from GC, General Commercial District to RNC, Rural & Neighborhood Commercial District**. Council District No. 7.

[Staff recommended approval]

[Planning Commission recommended approval with an additional recommendation to consider rezoning surrounding GC parcels to RNC also.]

Committee Member Pinckney inquired as to the Planning Commission's recommendation.

Mr. Greenway responded that some properties at this location have already established residential uses on the lots that are zoned general commercial. The applicant wishes to expand their house and cannot do so with a general commercial zoning. The other properties have existing residences. Council may wish to offer and initiate the rezoning to RNC to the residents. This would allow the residents the opportunity to improve their homes without incurring additional fees.

Committee Member Pinckney inquired if Planning would initiate this request.

Mr. Greenway stated that Planning could initiate the forms for signatures and have discussions with the property owners before the process is initiated.

Committee Member Pinckney indicated he appreciated if Planning could handle this from that perspective.

Chairman Farley inquired if that with RNC, would the residents have to pay commercial rates for taxes.

Mr. Greenway stated that property taxes are based on the use of the property. The properties are being used as residential and would have residential tax rates. The lots are currently grandfathered as general commercial and permits cannot be obtained for any residential improvements.

It was moved by Committee Member Pinckney and seconded by Committee Member Schurlknight to **approve** prior to **First Reading**, the **Request by Bernard and Patricia Casey**. The motion passed by unanimous voice vote of the Committee.

HELD IN COMMITTEE:

5. Request by Joseph McComb for the Headless Pelican, 1006 Fogarty Lane, Wando, TMS #263-00-03-080 (0.69 acres) **from R-2, Manufactured Residential District to GC, General Commercial District.** Council District No. 2.

Mr. Greenway stated the property is an existing residential zoned lot that is adjacent to general commercial zoning on Clements Ferry Road. The applicant wished to rezone the property to general commercial to expand his landscaping business. There was some opposition to the request at the Planning Commission meeting in March. The Planning Commission sent the request to Council with no recommendation. Staff supported the rezoning based on the configuration of the property. It is tucked behind and across the street from the general commercial lots. There are some residents present tonight to speak to the Committee.

Committee Member S. Davis had requested that this item be held in Committee. After speaking with Mr. Joseph McComb, there were some assurance in reference to egress and ingress for the rezoning of the property. The residents in opposition to the rezoning need to be heard.

Mr. John S. Sanders, III, residing at 1071 Fogarty Lane, also owns general commercial property across the street on Clements Ferry Road on the opposite corner from Mr. McComb's property. The Planning Commission based their decision on the property across Fogarty Lane which he owns. Mr. Sanders' property is deeper than Mr. McCombs' property by 35 feet and extends 85 feet further on the residential road. There is a large amount of opposition to this rezoning. The plan for the property would have additional traffic and has offered to not access this property from Fogarty Lane, but from an entrance closer to Clements Ferry Road. This planned entrance would be dangerous. This addition to the property would be detrimental to the small neighborhood that contains the Cainhoy Historic District and an historic African American Church. The lot directly across the street is residential. In a meeting with Mr. McComb, it was stated the residents would not oppose the rezoning there is a binding contract. The opposition is that the property could be sold as commercial after the rezoning. All of the residents surrounding this property are opposed to this rezoning. Mr. Sanders thanked Council for denying previous rezoning requests for the historic district.

Committee Member Schurlknight inquired if Mr. Sanders owned a commercial lot across Clements Ferry.

Mr. Sanders responded the lot is across from Fogarty Lane and it is rented to an auto repair shop.

Committee Member Schurlknight stated that Mr. Sanders' lot is across Fogarty Lane on the corner. Mr. McCombs' property is on the other corner.

Mr. Sanders stated the reason the Planning Commission voted for the rezoning was because his property appears to be the depth of the two properties combined but that is not the case. Mr. McComb has taken a residential lot that is behind my property and is converting it to commercial. This will negatively impact two residential lots in the subdivision.

Committee Member Schurlknight inquired as to the ownership of the commercial lot between Mr. McCombs' lot and Clements Ferry.

Mr. Sanders replied that Mr. McComb owns that small lot on the corner with a pole building and an old house. Mr. McComb purchased the lot at the back of this property as a residential lot.

Committee Member Schurlknight inquired as to the access to Mr. Sander's lot.

Mr. Sanders replied that his lot has a wide driveway on the corner of Fogarty Lane. Mr. Sanders has at times, pulled trailers into his driveway and blocked the entrance. The anticipation is that with the expansion of his business would cause a danger at the intersection.

Committee Member Schurlknight requested that Mr. Greenway restate the recommendation from the Planning Commission and Staff.

Mr. Greenway responded that Staff supported the rezoning because the property to the left of this tract is zoned general commercial and wraps behind this lot. It appeared on the GIS records that this property is surrounded on three sides by general commercial. The rezoning would square off the general commercial properties. Additional rezoning would not be supported on Fogarty Lane because there is not enough infrastructure to support the additional traffic.

Committee Member S. Davis expressed concern and stated that Mr. Sanders resides on that road. Mr. McCombs was aware when the property was purchased that it was residential and he resides in Mt. Pleasant. It is requested that the rezoning request be deferred until Mr. McComb agrees to modify the deed description to protect the neighborhood. There is concern that the traffic flow would impact Fogarty Lane. The Planning Commission would not make a decision. As a general rule, if Staff and the Planning Commission approve the rezoning, then it is voted accordingly. If there is a difference of opinion, then Council would make the final decision. In this instance, the Planning Commission took no position. It is requested that this item be held for one month to negotiate a stipulation with Mr. McComb that would protect the future interest of the residents in this historic community.

Chairman Farley stated the request by Mr. McComb would be held for one month.

B. Review prior to Second Reading:

1. Bill No. 09-23, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Sammy Bayles** for Bates Development, 907 Hunt Drive, Huger, **TMS #241-00-03-001** (1.46 Acres) **from R-2, Manufactured Residential District to F-1, Agricultural District**. Council District No. 8.

It was moved by Committee Member S. Davis and seconded by Committee Member Pinckney to **approve** prior to **Second Reading, Bill No. 09-23**. The motion passed by unanimous voice vote of the Committee.

2. Bill No. 09-24, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Berkeley County** for Cainhoy Park Owners Association, **TMS #271-00-01-099, -090, -089, -102, -110, -137, -143, -179, -144, -111, -147, -148, -173, -172, -164, -145, -092, -093** (48.2 +/- acres) Cainhoy Park–Legrand Blvd, Charleston, **from GC, General Commercial District to LI, Light Industrial District**. Council District No. 8.

Committee Member Fish inquired if restrictions could be placed on this rezoning.

Mr. Greenway stated this is an existing industrial park that is zoned general commercial. Staff is concerned that certain businesses could relocate to the industrial park as it is now zoned. The properties are accessed by a county standard road with no direct access to Clements Ferry Road.

Committee Member S. Davis stated that his decisions are respectful to all citizens of Berkeley County and that is why he asked for some consideration on the previous matter.

It was moved by Committee Member S. Davis and seconded by Committee Member Pinckney to **approve** prior to **Second Reading, Bill No. 09-24**. The motion passed by unanimous voice vote of the Committee.

C. Review prior to Third Reading:

1. Bill No. 09-12, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Frank & Donna Ward and Joseph Fort**, 224 Last Chance Trail, Moncks Corner, **TMS #141-00-02-077, -102, -089** (Total of 5.37 acres) **from PDMU, Planned Development Mixed Use and F-1, Agricultural District to R-1, Single Family Residential District**. Council District No. 6.

It was moved by Committee Member Schurlknight and seconded by Committee Member S. Davis to **approve** prior to **Third Reading, Bill No. 09-12**. The motion passed by unanimous voice vote of the Committee.

2. **Bill No. 09-13**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Berkeley County, 616 Whitesville Road (Moncks Corner Airport)**, Moncks Corner, **TMS #142-00-00-006** (26 +/- acres) **from F-1, Agricultural District to HI, Heavy Industrial District**. Council District No. 6.

It was moved by Committee Member Schurlknight and seconded by Committee Member S. Davis to **approve** prior to **Third Reading, Bill No. 09-13**. The motion passed by unanimous voice vote of the Committee.

3. **Bill No. 09-14**, an **ordinance** authorizing an amendment to the conveyance of two acres owned by Berkeley County located on old Highway 6 in Cross, South Carolina, more particularly identified by **TMS Number 041-00-04-061**.

It was moved by Committee Member Pinckney and seconded by Committee Member S. Davis to **approve** prior to **Third Reading, Bill No. 09-14**. The motion passed by unanimous voice vote of the Committee.

It was moved by Committee Member Schurlknight and seconded by Committee Member Callanan to **adjourn** the Committee on Land Use meeting. The motion passed by unanimous voice vote of the Committee.

The meeting ended at 6:34 pm.

July 13, 2009
Date Approved

COMMITTEE ON LAND USE
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Members: Mr. Timothy J. Callanan, District No. 2
Mr. Robert O. Call, Jr., District No. 3
Mrs. Cathy S. Davis, District No. 4
Mr. Dennis Fish, District No. 5
Mr. Jack H. Schurlknight, District No. 6
Mr. Caldwell Pinckney, Jr., District No. 7
Mr. Steve C. Davis, District No. 8
Mr. Daniel W. Davis, Supervisor, ex officio

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AGENDA

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

APPROVAL OF MINUTES

May 11, 2009

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3. Bill No. 09-14, an ordinance authorizing an amendment to the conveyance of two acres owned by Berkeley County located on old Highway 6 in Cross, South Carolina, more particularly identified by TMS Number 041-00-04-061.

June 3, 2009

S/Barbara B. Austin, CCC
Clerk of County Council